

BOARD OF APPEALS CASE NO. 4915

BEFORE THE

APPLICANT: C.R.U. Building Corporation

ZONING HEARING EXAMINER

REQUEST: Amend Case No. 4842 to allow
6 full-time employees for a home occupation;
860 Schucks Road, Bel Air

OF HARFORD COUNTY

HEARING DATE: June 21, 1999

Hearing Advertised

Aegis: 4/21/99 & 4/28/99

Record: 4/23/99 & 4/30/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, C.R.U. Building Corporation, is requesting an amendment to Condition No. 2 in Board of Appeals Case No. 4842, to allow 6 full-time employees in a home occupation located in a Rural Residential District.

The subject parcel is owned by Kenneth Smith and is located at 860 Schucks Road in the Third Election District. The parcel is identified as Parcel No. 222, in Grid 1-A, on Tax Map 60. The parcel contains 3 acres, more or less, all of which is zoned RR.

Mr. Kenneth Smith appeared and testified that he is requesting an amendment to Board of Appeals Case No. 4842, wherein he was granted a variance to Section 267-26(D)(5)(d). The Applicant testified he is now requesting approval for 6 full-time employees. Mr. Smith said that he is President and owner of C.R.U. Building Corporation and that a 1,200 square foot area in the basement of his dwelling is used in connection with C.R.U. Building Corporation, which is a construction management company.

On cross-examination by the Harford County People's Counsel, the Applicant said that he has made efforts to locate office space and that he will not post a sign, nor have outside storage on the premises. The Applicant said that he is not aware of any complaints about his operation on the property and that there will be actually 5 employees, plus himself on the premises. The Applicant also assured the People's Counsel that he would comply with Condition No. 3 in Board of Appeals Case No. 4842 wherein the Applicant agreed that the prior approval was for the current property owner only and shall terminate at the end of two years from the date of the decision or upon the sale or transfer of the property, whichever first occurs.

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The People's Counsel indicated that if that condition remains in effect, he would not oppose continuation of the home occupation, provided that the Applicant removes the offices from the premises not later than December 7, 2000.

CONCLUSION:

The Applicant is requesting an amendment to Condition No. 2 in Board of Appeals Case No. 4842 to allow a total of 6 full-time employees to work on the premises.

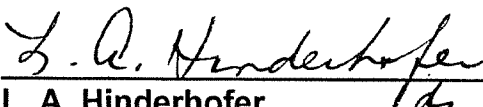
The Applicant said he is still using 1,200 square feet in the basement of the construction management company of which he is the owner and President, and he is also seeking office space away from the premises. The Applicant agreed to comply with the Condition No. 3 set forth in Board of Appeals Case No. 4842, which requires the Applicant to remove the business from the premises not later than December 7, 2000.

The People's Counsel agreed not to oppose the case if the Applicant removes the business from the premises as set forth in the prior case. The Applicant said that he intended to remove the business as soon as possible, but not later than December 7, 2000.

It is the finding of the Hearing Examiner that denial of the variance would cause an unnecessary hardship on the Applicant and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of the Applicant's neighbors appeared to testify in opposition to the amendment and, further, because the People's Counsel has withdrawn from the matter.

Therefore, it is the recommendation of the Hearing Examiner that the requested amendment to allow a maximum of 6 employees including the property owner be approved, subject to the condition that the business be removed from the premises and relocated elsewhere not later than December 7, 2000. All conditions of Board of Appeals Case No. 4842 shall remain in effect unless specifically modified herein.

Date JULY 8, 1999



L. A. Hinderhofer
Zoning Hearing Examiner